

**ASSEMBLY BILL**

**No. 1796**

**Introduced by Assembly Member Leno**

January 7, 2004

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An act to add Section 18901.3 to the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as introduced, Leno. Food stamps: eligibility.

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the Food Stamp Program.

This bill would provide that a convicted drug felon shall be eligible for aid under the Food Stamp Program. By changing eligibility standards under the Food Stamp Program, this bill would increase the responsibilities of counties in the administration of the program, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18901.3 is added to the Welfare and  
2 Institutions Code, to read:  
3 18901.3. Pursuant to Section 115(d)(1)(A) of Public Law  
4 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the  
5 provisions of Section 115(a)(2) of Public Law 104-193 (21 U.S.C.  
6 Sec. 862a(a)(2)). A convicted drug felon shall be eligible to  
7 receive food stamps pursuant to this section.  
8 SEC. 2. Notwithstanding Section 17610 of the Government  
9 Code, if the Commission on State Mandates determines that this  
10 act contains costs mandated by the state, reimbursement to local  
11 agencies and school districts for those costs shall be made pursuant  
12 to Part 7 (commencing with Section 17500) of Division 4 of Title  
13 2 of the Government Code. If the statewide cost of the claim for  
14 reimbursement does not exceed one million dollars (\$1,000,000),  
15 reimbursement shall be made from the State Mandates Claims  
16 Fund.

